

Date: June 19, 2006

To: Historic Preservation Commission

From: Planning and Housing & Community Development Departments

Subject: Neighborhood Conservation Overlay District

Attached is a proposed draft ordinance that will enable the City of Greensboro to formally establish a Neighborhood Conservation Overlay District (NCOD). The NCOD is generally established to preserve and protect older areas of a city that are unique and distinctive in character and that contribute to the architecture, culture, character, or identity of the city. Conservation Districts specifically enhance the resources of a neighborhood by providing a means to modify zoning regulations and establish design standards for specific areas defined in plans or studies.

An interdepartmental team of city staff prepared this text amendment as called for in Connections 2025 and at the direction of the City Council. The draft ordinance has already been reviewed by various stakeholder groups and will be presented to City Council at a public hearing later this summer.

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AMENDING CHAPTER 30

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

Section 1. That Section 30-1-3, Purpose, is hereby amended by adding subsection 30-1-3.20, Neighborhood conservation overlay purposes, to read as follows:

“30-1-3.20. Neighborhood conservation overlay purposes.

The neighborhood conservation overlay regulations, adopted and prescribed in this Ordinance, are found by the City Council to be necessary and appropriate to:

- (A) Protect and enhance natural, economic, architectural, and historic resources unique to specific areas of the city.
- (B) Provide a means to modify zoning regulations and establish design standards for specific areas of the city while protecting neighborhoods from incompatible development.”

Section 2. That Section 30-4-1.3, Overlay districts, is hereby amended by adding subsection 30-4-1.3(H), NCO Neighborhood Conservation District, to read as follows:

“(H) NCO Neighborhood Conservation District. The NCO, Neighborhood Conservation Overlay District establishes regulations to protect and enhance natural, economic, architectural, and historic resources unique to specific areas of the city while protecting neighborhoods from incompatible development. These regulations are specified in Section 30-4-4 (Overlay District Requirements).”

Section 3. That Section 30-4-4 Overlay District Requirements, is hereby amended by adding subsection 30-4-4.8, Neighborhood conservation overlay districts, to read as follows

“30-4-4.8. Neighborhood conservation overlay districts.

(A) *Applicability:*

- (1) The Neighborhood Conservation Overlay District regulations apply to properties located within the boundaries of a designated Neighborhood Conservation Overlay (NCO). The District may be applied in areas where the majority of the land uses are residential.
- (2) A Neighborhood Conservation Overlay may not overlap a locally designated historic district.

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- (B) *Relationship to other Regulations:* In the case of conflict between the Neighborhood Conservation Overlay District regulations and requirements contained in other sections of this Ordinance, the regulations of the Neighborhood Conservation Overlay District will govern.
- (C) *Establishing a Neighborhood Conservation Overlay District:*
- (1) Map Amendment, Neighborhood Conservation Overlay Plan and Design Guidelines Required:
 - (a) Adoption of a Neighborhood Conservation Overlay District requires an amendment to the official zoning map; and
 - (b) A Neighborhood Conservation Plan including Design Guidelines must be approved by the City Council at the same time that the map amendment is adopted; this plan establishes guidelines and conditions for development consistent with the purposes of the plan and overlay district.
 - (2) Authority to Initiate Application: Applications for a Neighborhood Conservation Overlay District designation must be filed with the Planning Director. An application may be initiated at the request of:
 - (a) Owners representing at least twenty-five percent (25%) of the land area within the proposed district; or
 - (b) Owners of at least twenty-five percent (25%) of the parcels within the proposed district; or
 - (c) The Planning Director or Housing & Community Development Director, pursuant to an adopted neighborhood or other area plan that calls for a Neighborhood Conservation Overlay District; or
 - (d) City Council.
 - (3) Application Requirements: When an application and boundary map are filed to establish a Neighborhood Conservation Overlay District, the Planning Director must determine the eligibility of the area for Neighborhood Conservation Overlay designation in accordance with this subsection. An area is determined eligible for a Neighborhood Conservation Overlay designation if it satisfies all of the following application criteria:
 - (a) Contains a minimum of one block face (all the lots on one side of a block);

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- (b) At least seventy-five percent (75%) of the land area in the proposed district was developed at least 25 years prior to the application, and is presently developed; and
- (c) Possesses one or more of the following distinctive features that create a cohesive identifiable setting, character or association:
 - (i) scale, size, type of construction, or distinctive building materials;
 - (ii) spatial relationships between buildings;
 - (iii) lot layouts, setbacks, street layouts, alleys or sidewalks;
 - (iv) special natural or streetscape characteristics, such as creek beds, parks, greenbelts, gardens or street landscaping;
 - (v) land use patterns, including mixed or unique uses or activities; or
 - (vi) abuts or links designated historic landmarks and/or districts.
- (4) Determination of Eligibility for NCO Designation:
 - (a) If, based on the criteria in subsection (C)(3) above, the Planning Director determines that the area is not eligible for a Neighborhood Conservation Overlay District designation, the applicant(s) will be notified of this fact in writing, including stated reasons for the decision. The decision of the Planning Director that an area is not eligible may be appealed to the Board of Adjustment. In considering the appeal, the sole issue shall be whether or not the Planning Director erred in the determination of eligibility using the criteria in subsection (C)(3) above.
 - (b) If the Planning Director determines that the area is eligible for designation as a Neighborhood Conservation Overlay District, the applicant(s) will be notified of this decision and a Public Informational meeting will be scheduled. The decision of the Planning Director that an area is eligible for a Neighborhood Conservation Overlay District may not be appealed.
- (5) Public Information Meeting Required: If the area is determined to be eligible for a Neighborhood Conservation Overlay District, the Planning Director must schedule a public meeting for the purpose of informing property owners in the proposed district of the nature of the pending request. The Planning Director must send notice of the date, time and place of the meeting by mail to all property owners and mailing addresses within the proposed district.

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- (a) If the application for a Neighborhood Conservation Overlay District designation was initiated at the request of property owners as provided in subsection (C)(2)(a) or (C)(2)(b) above, a petition indicating support for the City to proceed with the preparation of a Neighborhood Conservation Plan and Design Guidelines must be filed with the Planning Director within six (6) months of the Public Informational Meeting. The petition to proceed must be signed by owners representing at least fifty-one percent (51%) of the land area or at least fifty-one percent (51%) of the parcels within the proposed district.
- (6) Neighborhood Conservation Plan and Design Guidelines: A Neighborhood Conservation Plan for the proposed district shall be prepared and include, at a minimum, the following information:
 - (a) Statement of Purpose and Intent;
 - (b) A map that indicates the boundaries of the proposed Neighborhood Conservation Overlay District;
 - (c) A description of the relevant history of the area;
 - (d) A description of the existing and common characteristics of the area, including zoning, land use, development, and distinguishing features of the neighborhood (e.g. architectural styles, natural features, design features, institutions);
 - (e) A description of the goals for design and neighborhood character for the area; and
 - (f) Design Guidelines for new construction of any building or structure, or the relocation of or addition to an existing building or structure.
 - (i) The Design Guidelines may include elements governing the common physical characteristics and features of property (public or private) existing within the proposed district, such as, but not limited to, the following:
 - (aa) building height, bulk, massing, and orientation;
 - (bb) principal elevation features, fenestration, building materials, and roofline and pitch;
 - (cc) dimensional requirements, setbacks, lot size, density, and floor area ratio;

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(dd) parking and loading requirements, garage entrance location, driveways, and sidewalks;

(ee) landscaping, fences and walls, lighting, and signage; and

(ff) general site planning for both primary and accessory structures.

ii) Once the Neighborhood Conservation Overlay and Plan have been approved, the Design Guidelines will be used to review proposed developments within the district and to determine if they meet the guidelines.

(D) *Overlay District and Plan Approval:*

(1) The Plan shall be forwarded, with the recommendations of the Planning Board and Zoning Commission, to the City Council for approval.

(2) The City Council must hold a public hearing to consider adoption of both the Overlay District and the Plan.

(E) *Amendments to an Adopted Neighborhood Conservation Overlay District:*

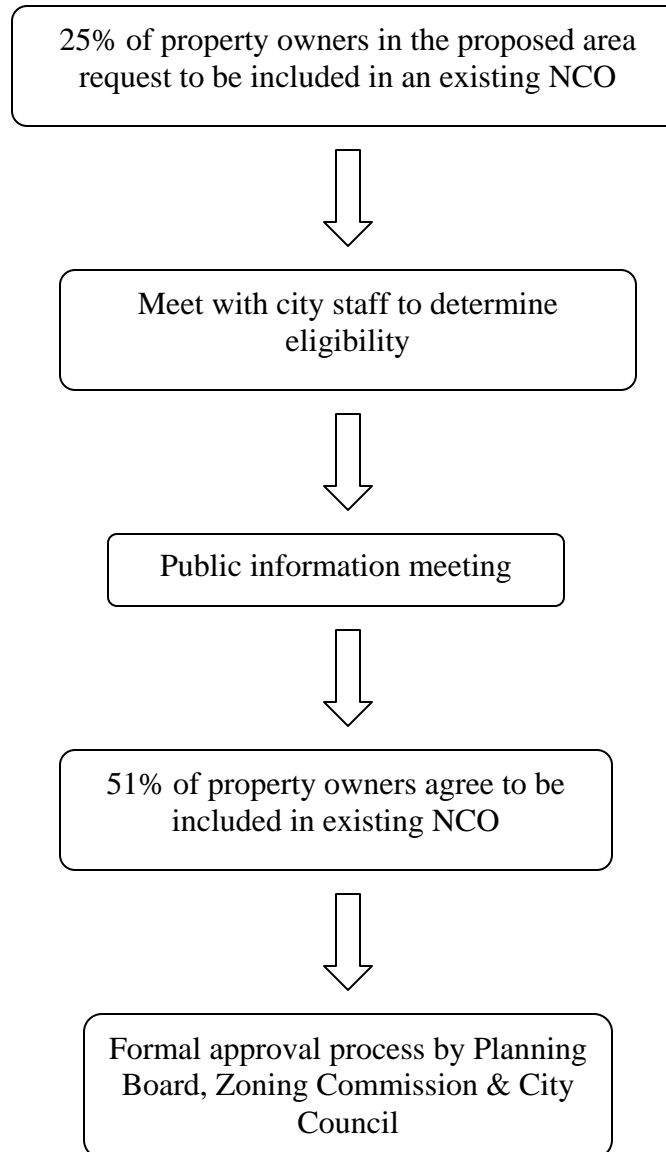
(1) Any proposal to add parcels to an adopted Neighborhood Conservation Overlay District, including the dissolution of the Neighborhood Conservation Overlay District in its entirety, or any proposed modification to the design standards in an adopted Overlay District or Plan, is subject to the application and adoption procedures set forth in this Section.

(2) Any proposal to subtract individual parcels from an adopted Neighborhood Conservation Overlay District is subject to the application and adoption procedures set forth in this Section, except that the petition requirements of subsections (C)(2)(a), (C)(2)(b), and (C)(5)(a) shall not apply.”

Section 4. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 5. This ordinance shall be effective upon the date of adoption.

Amending Boundaries for an existing NCO



Establishing an NCO

